

## **BOARD OF MAYOR AND ALDERMEN**

**May 2, 2006**

**7:30 PM**

Mayor Guinta called the meeting to order.

The Clerk called the roll. There were fourteen Aldermen present.

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O'Neil,  
Lopez, Shea, DeVries, Garrity, Smith, Thibault and Forest

Mayor Guinta recessed the regular meeting to allow Public Participation to continue.

Mayor Guinta called the meeting back to order.

### **CONSENT AGENDA**

Mayor Guinta advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

### **Ratify and Confirm Poll**

- A.** Conducted April 22, 2006 confirming the Board's support of HB 1436 relative relative to authorizing municipal and county biennial budgets for one distinct 24-month fiscal or two distinct 12-month fiscal years.

### **Accept BMA Minutes**

- B.** January 3, 2006 Inaugural Ceremonies, January 3, 2006 meeting; January 17, 2006 (three meetings); January 31, 2006; February 7, 2006 (two meetings); and February 21, 2006 (two meetings).

### **Informational – to be Received and Filed**

- C.** Communication from Mayor Guinta advising that a liquor and ballroom license application for the proposed Electra Nightclub at 22 Fir Street has been denied noting he will keep Board members updated should a public hearing be scheduled.
- D.** Communication from Comcast submitting the first quarter 2006 franchise fee payment in the amount of \$307,533.88.

### **REFERRALS TO COMMITTEES**

## **COMMITTEE ON FINANCE**

**F.** Resolution resulting from CIP Committee report:

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Thousand Dollars (\$40,000.00) for FY2006 CIP 711406 Downtown Miscellaneous Repairs Project.”

**H.** Communication from CIP Committee submitting request of Police Department to purchase five vehicle immobilizers (boots) and Resolution:

“Authorizing the Finance Officer to effect a transfer of One Thousand Eight Hundred Dollars (\$1,800) from Contingency to Police – Special Projects.”

## **REPORTS OF COMMITTEES**

### **COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION**

**I.** Recommending that the 3<sup>rd</sup> quarter FY2006 write-off list for the accounts receivable module be approved.

*(Aldermen Pinard, Thibault, DeVries and Long voted yea; Alderman Smith was absent.)*

**J.** Advising that it has accepted the City’s Monthly Financial Statements (unaudited) (for the nine months ended March 31, 2006 for FY2006.

*(Aldermen Pinard, Thibault, DeVries and Long voted yea; Alderman Smith was absent.)*

**K.** Advising that it has accepted the following Finance Department reports:

- a) department legend;
- b) open invoice report over 90 days by fund;
- c) open invoice report all invoices for interdepartmental billings only;
- d) open invoice report all invoices due from the School Department only;
- e) listing of invoices submitted to City Solicitor for legal determination; and
- f) account receivable summary

*(Aldermen Pinard, Thibault, DeVries and Long voted yea; Alderman Smith was absent.)*

## **COMMITTEE ON FINANCE**

**M.** Recommending that \$86,000 be transferred from Contingency to the Police Department (\$43,000 for bulletproof vests and \$43,000 for uniforms and equipment for six officers).

*(Unanimous vote with Aldermen Smith and Forest absent.)*

**N.** Recommending that \$120,000 be transferred from Contingency to the Fire Department (\$100,000 for rust repair and \$20,000 for protective clothing.)

*(Unanimous vote with Aldermen Smith and Forest absent.)*

## **COMMITTEE ON PUBLIC SAFETY AND TRAFFIC**

**O.** Advising that it has approved increases and various parking penalties and recommends same be referred to the Committee on Bills on Second Reading for Ordinance preparation and technical review.

*(Unanimous vote)*

### **SPECIAL COMMITTEE ON SOLID WASTE ACTIVITIES**

- P.** Recommending that funding for the Compliance Officer at the Highway Department be placed in the FY07 budget. The Committee notes that the position will pay for itself through fees collected and is needed to enforce solid waste ordinances. The Committee advises that it has requested the Committee on Bills on Second Reading act on the ordinance establishing the class specification and compensation for the position.  
*(Unanimous vote)*
- R.** Recommending that the Board of Mayor and Aldermen approve an extension of the City's contract with Waste Management, Inc. for one five-year term, and that the Mayor be authorized to execute same for and on behalf of the City subject to the review and approval of the City Solicitor. The Committee notes that such recommendation is based on a favorable report from the Highway Department.  
*(Unanimous vote)*

**HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN SMITH, DULY SECONDED BY ALDERMAN O'NEIL, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.**

- E.** Communication from Gerard Fleury, Executive Director of the Contributory Retirement System, recommending the City move cautiously with the proposed Health Department transfer of school nurses to the School District as it relates to their retirement benefits.

Alderman Shea stated for the benefit of the people representing the Health Department here I believe last night there was a discussion regarding transferring the school nurses and it was agreed that there would be a discussion between Fred Rusczek as well as the Superintendent of Schools and the City Solicitor who might or might not be necessary so that there would be...without sound presumptuous...but there would probably be no change in that the nurses would remain with the Health Department at this time. So, to kind of put your minds at ease that is where the discussion was last night.

Mayor Guinta stated if I can just quickly follow-up because I've received a lot of e-mails and letters and comments and concerns from the school nurses. First and foremost I think this Board, the Health Department and schools all feel that the nurses do a great job. The transfer from the City side to the School side was meant to be an accounting sort of clerical move and try to align proper services in proper areas of the City budget. We have since encountered obviously some concerns that have been addressed so I think it is the will of the Board to probably keep it as is for the moment and put together a team to determine what we can do over the next 12 months to try to identify just some of the functionality and accounting or activities that I'd like to try to put where they belong. So, it seems that this Board is probably going to vote to keep it in the City side in the Health Department. So, to the extent that that might allay some concerns I certainly hope that it does.

Alderman Shea moved to receive and file this item. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

**G.** Resolutions submitted as a result of Finance Committee reports:

“Authorizing the Finance Officer to effect a transfer of Twenty Thousand Dollars (\$20,000) from Contingency to Fire – Line.”

“Authorizing the Finance Officer to effect a transfer of One Hundred Thousand Dollars (\$100,000) from Contingency to Fire – Mechanical Division.”

“Authorizing the Finance Officer to effect a transfer of Forty Three Thousand Dollars (\$43,000) from Contingency to Police – Uniformed Police.”

“Authorizing the Finance Officer to effect a transfer of Forty Three Thousand Dollars (\$43,000) from Contingency to Uniformed Police.”

Alderman Shea stated I think what I’d like to see with Item G which has to do with the transfer of funding from Contingency to Fire and Police would be to table this until such time as the Finance Office can come back to us regarding the expenses that are involved in other types of situations that are going on and if they have to draw up any kind of RFP or something like that that still wouldn’t curtail them from doing that just so that they can get a handle on things and they can come back in out fourteen (14) days so that is what I would make a motion to do.

Alderman DeVries duly seconded the motion.

Alderman Roy stated just a question for the Deputy regarding the ordering of the vests. Does that 14 day delay...is that reasonable? I think we’d like to get these on the officers and on the streets as soon as possible.

Deputy Chief Simmons replied yes but I don’t think that would be unreasonable. I think our biggest interest would be to cut a PO.

Mayor Guinta called for a vote on the motion to table. There being none opposed, the motion carried.

**Report of the Committee on Community Improvement:**

- L.** Recommending that the Board accept funds in the amount of \$40,000 from MembersFirst Credit Union and Ben Gamache Enterprises for the cost of landscaping Kosciuszko Park with the balance of \$29,887 being paid with Downtown Improvements funds remaining from last year, and for such purpose a resolution and budget authorization have been submitted.  
(*Unanimous vote*)

Alderman Garrity stated I’d like to make a request to send this back to the CIP Committee. I guess there are some concerns about how expensive the project is getting and I’d like to talk about it in CIP. Alderman Duval duly seconded the motion. There being none opposed, the motion carried.

**Report of the Special Committee on Solid Waste Activities:**

**Q.** Recommending that the following groups be considered as customers to be serviced by the City's Solid Waste Program:

- Single-family residential
- City offices/buildings
- Commercial properties, small (limited to 2 toters, provided they recycle)
- Non-profits, small (limited to 2 toters, provided they recycle)
- Multi-family residential, small (6 units or less)
- Condominium associations, small (6 units or less)

and further recommends that same be referred to the Committee on Bills on Second Reading for Ordinance preparation and technical review.

*(Unanimous vote)*

Alderman Lopez stated I pulled this off the agenda because there were some comments made that are very valid and I for one voted for this so I think it's appropriate that I pull it off. I'm not too sure...one of the points made was referenced...I just wanted to get some comments here because I think some good points were brought up and I think that maybe the inclusion of the apartment buildings owners six, seven, eight, 20 whatever the case may be...I know they were taken into consideration because we have a major problem in the City of Manchester and that's the tons of garbage that we get when people move out of tenements and just throw it out in the streets but maybe there is a happy medium here as we move along I'd ask the Chairman to maybe comment on a couple of things and ask that we maybe send this back to committee and maybe have an inclusion someplace or maybe somebody recommend having a committee of people and owners...maybe we can come up with some better solution and I just want to pass that by the Chairman since I voted for it.

Alderman Roy stated well I do agree that this is not perfect. It has been in the task force for two years, the Solid Waste Committee since long before I became the Chairman and what some of the discussion earlier this evening was to form a task force of Aldermen, the Mayor's Office and property owners whether it be condominium owners or multi-family owners or a mixture of both just to make sure that we are covering everything. The reason this came forward is that there is no personal agenda here. What we have for a system right now is if it is on a City street the Highway Department will pick it up and when refuse was just hauled to the dump and we left it in what used to be a gully and is now a mountain off Dunbarton Road there was no problem with that, it was the same labor cost, same trucks, same City time, we brought it and didn't pay for it. Now, we're under contract to Waste Management that we pay roughly \$65/ton of waste that we generate in the City that is left on the city streets and hauled to what is now a private contractor. Where those costs keep escalating are clearly defined...I call it a line in the sand or customer list has to be established and what the task force brought forward was what was believed to be the fairest. Most of your multi-family owners over six units are in the business. They have a cost of business that is just like plowing, just like electrical in the hallways and just like running a fire alarm system...they're in the that business so we tried not to impact the owner-occupied. When it came to condominiums a lot of the units throughout the City already have private

pick-up as part of their Planning Board approvals or how they were built so there we established a number which the condominiums would be rolled out on private roads. As I've said before this is something that the City just has to look at and get its hands around before it gets to be a catastrophic problem. Our solid waste disposal or tipping fee line item is one of the largest line items in the City's budget. It's getting to the point where it's almost half of the...the equivalent of the police officer's salaries. It is a multi, multi-million dollar...I believe it's 8.5...I didn't pull it up on the computer screen before speaking...but an \$8.5 million line item and if we don't do something in the future that works for everyone in the City again everyone in the City will be impacted by it. I do have heartfelt feelings for the people that have spoken this evening, I do believe it needs further review that's why I wanted to send it to Bills on Second Reading for the crafting of an ordinance, I'm definitely in favor with working with another task force on this specific item and moving it forward so that we get a full impact and the public can be aware of what's going on but something has to change between the time it's at the task force and the time it's come through Solid Waste, it has to either move forward or we have to kill it as a Board and then face the fiscal impacts that will come with that.

Alderman Lopez stated I understand all that being on the Committee and I'm willing to accept it going to Bills on Second Reading providing that they either follow up...they're going to draft the ordinance but some of the things that were brought up here tonight which we addressed in Committee...there are some locations in the City that cannot put a dumpster and we talked about...whereby the appeal process in that ordinance would be to come before the Committee and get exceptions to those...it's not perfect and we all know that...we have a major problem with trash and we all know that too, so everybody's got to be involved in this process before we come out and I don't want people to think...at least not in my opinion anyway...this is going to happen tomorrow, it's going to happen next week...it's not going to be that fast if it happens at all. It's a question of going through the process here so that we can come up with a good policy that we have a major problem with and I'm sure the owners realize that but they are right in their assumptions...the affordable housing and who's going to bear the burden if they have to do this it's the people who rent the apartments. So, as long as we are all aware of moving forward that we're concerned with the people that are renting, the people that don't have space to put a dumpster, we have to have exemptions to policies...as long as it goes to Bills on Second Reading and then we can talk some more.

Alderman Osborne stated I will move that it be referred to Solid Waste before we craft an ordinance. I think it needs a little more study, I think we have to go around to these multi-families with the Highway Department, etc. to see which dumpsters we can use there or we can't...these people can't put dumpsters on skyhooks. So, I think we need a little bit more of a study here before we craft ordinances. So I'm making a motion to go back to Solid Waste where it was so we can get together and do a good study on this like we should.

Alderman Smith duly seconded the motion.

Alderman Gatsas stated it amazes me now that people are talking about that they have to look at it again because there are people that came out and talked about this. I think that the comments were obvious before this process went into place. That Committee should have been thinking about the repercussions of taxpayers in this City. There's no question unless we're going to give them an abatement on their tax, they pay the same tax then we should give an abatement on people in those multi-families that are living there that don't have children and don't send them to school we should reduce their taxes for that. So, I'm looking at this situation is that every taxpayer is a taxpayer in this City. Now, before we start talking about not picking up one person's garbage versus another person's garbage I think that's wrong. I think everybody's a taxpayer. If we want to talk about "Bag & Tag" let's talk about "Bag & Tag" because that's a fair and equitable position for everybody in the City and let's vote that up or down, but I don't think we should single out whether you're a 6-family or a 7-family to get garbage collected, however, we'll take twice-a-year come by and pick up your sofas and your refrigerators at no cost to you. That makes no sense to me absolutely none. So, I guess what I would like to see and I'm going to vote against this. I think this thing should be received and filed. It doesn't need to go back to a Committee unless the Committee wants to talk about "Bag & Tag" and bring that process forward.

Alderman Roy stated just to respond to a couple of comments by other Aldermen. First of all, this has had three years of study. This was a task force that was put together under the prior administration in early 2004. At that point there was a consultant brought in, employees from the Highway Department and Aldermen and the Mayor's Office and it was beaten up and beaten up and beaten up and as Alderman Gatsas just said there is an impact. There's an impact positive and negative and when you look at who the customer list is something needs to be established. I have no problem receiving and filing this, this has been on my lap because I Chair that Committee and personally it's been detrimental in time and energy but something needs to be done as far as this problem and with all due respect to the Aldermen on this Board it has been discussed, it's been discussed for three years, it's been presented by the Highway Department in the task force recommendations last year on two occasions. It's been talked about in Committee, it's been talked about now at the full Board level. This is a process that we go through to move things along. Sending it back to Committee just puts it back on the bench and says we're not doing anything proactive or reactive, we're just going to put it back in the closet and pretend it's not a problem. If we're going to do anything I'd rather see it move forward or get received and filed and then the impact of what happens in the future is understood. It's when you don't understand the impact that people make comments that are just out of lack of knowledge and it's been an issue we've discussed.

Alderman DeVries stated and much for the same reasons that Alderman Gatsas has expressed some concern with this policy I have been stating that I think this is a policy that is likely to be challenged in the courts unless it is one hundred percent consistent across the

board to all property owners because today we do have some condominiums that are allowed to put their trash out on the streets. We have others that do receive by virtue of paying through their association dues their trash pick-up at their curbs, they do not have the privilege of City pick-up. Whatever policy and I feel that I don't really care which way this policy falls as long as it is consistent. It should not have some commercial businesses that have the privilege of pick-up and others that do not. It should not have some private homeowners associations with the privilege of pick-up and others that are getting the full level of taxation not have that privilege. We just need to be consistent in whatever we come out with and if that means that we do end killing this because we cannot come up with something consistent that is a fair policy across the board to all taxpayers we might be headed in the direction as Alderman Gatsas suggested which I don't think this Board wants to take up either.

Mayor Guinta stated I'll just make a quick comment. In interest to full disclosure I live at 96 Hollis Street which is at Amoskeag Terrace...I still live there...I'll be moving soon but I talked to Alderman Roy about it. I certainly understand the interest in trying to change the cost to the City in terms of removing trash but quite frankly the City...for I don't know how many years has been paying for that service through taxes. So, I disagree with the policy that he's putting forward and I would certainly encourage the Board to actually receive and file. I have talked with Alderman Roy and Alderman Duval and Alderman Osborne about forming an informal group of people to look at this to see if there is something that can be done to address some of the concerns that Alderman Roy has brought up during the Committee process and I think there are some legitimate concerns that he brings up and I think this is well intentioned by the Committee but it's probably far more sweeping than the original intention. Again, this is the budget process right now...I don't know if we can handle this issue now but after the budget process is done I'd certainly be happy to work with staff and my office and the aldermen who are geographically impacted to try and come up with something including tenants, including condo association owners and apartment owners...to sit down and see if there are some things that can be tightened in our ordinances but at this point I would prefer to receive it and file it. Alderman Roy has done a lot of work on it...if this is not what the Board is looking to try to support let's just recognize that and start over and see if there's something else that can be done to address some of the concerns Alderman Roy's expressed.

Alderman Osborne stated I will withdraw my motion to refer back to Committee and will second Alderman Gatsas' motion to receive and file.

Alderman Forest stated just a comment on what was said here tonight both by the public and some of my fellow Aldermen. Three year's ago I was asked to sit on the Solid Waste Committee...I volunteered to do it. I've spent a lot of my free time sitting in consultant's meetings, at hearings, people coming in to talk about the problem with yard waste. This Board four years ago starting complaining about Waste Management...this came about with



the complaints of this Board. This was sent to a committee and I think and even you, your Honor, sat in on several eleven o'clock and ten o'clock meetings discussing this with some engineers to get this point across. I agree with Alderman Roy that this is not perfect but if we kill this then I won't even accept any phone calls from people complaining on the expense of garbage because it's costing us more and more and more money every year...we have to set a limit as to where we pick it up and how much it is and now all of a sudden I heard one complaint here from one of the residents about not hearing about this. This has been going on for three years. We've had these meetings, the public has known about these meetings and all of a sudden now they're complaining about what we've done.

Mayor Guinta stated the citizens of the City elect us to do the people's work, we have a responsibility to do it, it's impossible to report on every single action that's taken by every single committee. This had not been reported in the media up until last week's meeting.

Alderman Forest interjected it's been reported for three years, your Honor, it's been in the papers when we were dealing...

Mayor Guinta stated this proposal has not been in the paper for three years. Let's respect the fact that constituents are coming here today and expressing their opinion and I think we hear them collectively and we'd like to try and make an improvement on clearly what's been a lot of work...

Alderman Forest interjected I'm requesting a roll call on this item to receive and file.

Alderman Lopez stated the only comment I'd make is I urge the citizens of Manchester to try to recycle as much as they can. It's important because that could really help us and the money that we're spending on everything so if anybody can recycle out there please do it's going to help us, it's going to help you and it's going to help the taxpayers period.

Alderman Shea stated with every issue there's a cause and there's an effect and I think that one of the problems that's being encountered is the cause of the fact that the people who own large buildings have tenants that move in and out and I think if we could find a way, a policy whereby there would be some accountability on somebody's part in terms of how you trace that effect to the cause of that particular problem and I think that in doing that I think that there could be some policy drawn up whereby people who move in and out of large tenement situations and are disregarding whatever policies the owner places on them the burden still falls on that owner when a truck has to stop at a residence and pick-up almost a full load of trash at that particular residence. So, I think that we can examine that if in fact tonight it's tabled so that people who are part of this community are being represented by the speeches that were done this evening would be able to present their thoughts and ideas and then reciprocate people who are representing the other people in the community would respond to

their concerns as well as express their desires and that's really where I think we should start, your Honor, but that's just a comment.

Alderman Roy stated just out of respect for people that have been involved if Kevin Sheppard could come up and answer a few questions as well as...

Alderman Garrity stated just move the question, your Honor.

Mayor Guinta stated why don't we just move the question, do we really need to do that.

Alderman Roy stated statements were made this evening that I'd like to somewhat rebut...Steve Tellier who unfortunately is no longer with us was part of this in the beginning worked on the condominium and the tax issue and I don't want anyone leaving here tonight feeling that because they are in some way being unfairly taxed because we're offering to do this. The Assessor's have talked about this, I know David Cornell and I have spoken quite a bit about this and what the legality and what the tax impact is...two condominium owners specifically and to multi-family owners, so if that could be cleared up I don't want anyone to think that we're unfairly taxing people because we're taking away one of their services and I'll go with the Mayor's call here but statements were made regarding fair taxation and that was one of the...

Alderman Garrity interjected can we move the question, your Honor.

Alderman Roy stated hundreds of hours of conversation.

Alderman Thibault stated just one little comment...recycling is really the answer and I don't believe that the City of Manchester has put enough emphasis on having the people realize what recycling does and I know some people that have started to recycle and now they've stopped because the City seems to have let it go. I think the City should come forward and really express to the people and show the cost of what recycling could do to this major cost to the City.

Mayor Guinta stated we have just started the recycling program in March...from what I'm hearing from people it is getting rave reviews, it seems to be going well and certainly Alderman Roy should be commended and the Committee for making that happen, so we'll continue to increase the awareness of recycling and I share your comments and maybe we'll do some PSA's in the City to enhance that but I just heard Alderman Roy say that recycling is up 12% already, so I think we're off to a pretty good start.

A roll call vote was taken. Aldermen Forest and Roy voted nay. Aldermen Gatsas, Long, Duval, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Garrity, Smith and Thibault for yeas to receive and file Item Q. The motion carried.

4. Nominations to be presented by Mayor Guinta.

There were no nominations presented by Mayor Guinta.

On motion of Alderman Shea, duly seconded by Alderman Thibault, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Guinta called the meeting back to order.

#### **OTHER BUSINESS**

7. A report of the Committee on Finance was presented recommending that a Resolution:

“Authorizing the Finance Officer to effect a transfer of One Thousand Eight Hundred Dollars (\$1,800) from Contingency to Police – Special Projects.”

ought to pass and be enrolled.

Alderman Garrity moved to accept, receive and adopt a report of the Committee on Finance.

Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

8. A report of the Committee on Bills on Second Reading was presented recommending that Ordinance:

“Amending Sections 33.024, 33.025 & 33.026 (Solid Waste Compliance Officer) of the Code of Ordinances of the City of Manchester.”

ought to pass.

The Committee further recommends that the Ordinance be referred to the Committee on Finance for FY2007 budget deliberations.

Alderman Shea moved to accept, receive and adopt a report of the Committee on Bills on Second Reading. Alderman Forest duly seconded the motion.

Alderman Gatsas stated if my distinguished colleagues remember that when we first were looking to adopt rules of this Board I had brought forward with the assistance of the Human Resources Director that new positions that were going to be brought forward really shouldn't go to Bills on Second Reading because here's a position that we as a full Board voted on, it came out of the Committee October 4, 2005...some six months ago and we're just getting it before this full Board...that doesn't make any sense as it sat in Bills on Second Reading since October 4<sup>th</sup>, is that not true?

Alderman Roy stated it did just come out of Bills on Second Reading it was held there because it was going to be approved if the Highway Department did not run over on their salt budget and there was a lengthy conversation regarding staffing this position if they did not run over on their salt budget and if there was excess funds to put it on the rolls this year fiscal year '06 versus fiscal year '07.

Alderman Gatsas stated with all due respect I don't think that is what the position for Bills on Second Reading is...to make a decision when this Board has already approved a position just because somebody hasn't met their salt requirement...Bills on Second Reading is for an ordinance...not to take the Board's position on whether a position is approved or not.

Mayor Guinta stated I would ask if the City Solicitor could provide clarification as to the role and responsibility of Bills on Second Reading.

Deputy City Solicitor Arnold replied it was referred to Bills on Second Reading...the role of Bills on Second Reading is for technical review and amendment, if necessary.

Mayor Guinta stated of ordinances or anything.

Deputy City Solicitor Arnold stated of ordinances.

Deputy City Clerk Johnson stated if I could just clarify...Rule 16 states the ordinance procedures and the personnel classifications are part of the ordinances of the City and, therefore, as an ordinance has to follow Rule 16 of the Board which is why the Board referred it to the Committee on Bills on Second Reading in the first place.

Alderman Gatsas stated that's the point I'm making, your Honor. The point I'm making is that when the Board met in its organizational meeting I suggested that Rule 16 be changed so that an employee or a position wouldn't be held up for six months and it didn't take long for that to come home and roost.

Deputy City Clerk Johnson stated you could submit a request for another rule change and maybe it will go through this time.

Alderman DeVries stated my recollection of this is that this was brought in as an unfunded new position. There was no funding put in to let this current year's budget for this position so when it was brought forward in October which was at the beginning of what could have been an under funded snow removal winter we had at that point in time an accelerating gas prices and we had the recommendation from the Highway Department that even with the extra dollars we had put aside into Contingency they were not a hundred percent comfortable that they would end up with the winter with the extra dollars in their department to fund this position. Based on that recommendation this position was not brought back to the full

Board, it was tabled in that Committee asking the department head to come back after the snow season and let us know if he had still the funds available to fund the position. In fact, I think he has come back and indicated he did not have enough money left over after the winter, a mild winter, to fund this position. So, that is the reason for the delay. It was certainly not because anybody was trying to hold up the hiring, it was looking out for the greater good of the City in that Committee at that point in time.

Alderman Gatsas stated let me...I'm a little confused here because we have a solid waste committee that brought forward a recommendation to not pick up garbage at 6-families and I'm not saying that in any disrespect to the Aldermen but I'm looking at a solid waste position that's been sitting around for six months. Now, if we truly believe that there's a garbage problem in the City of Manchester we would have found a way to fund it and my point is that it sat in Bills on Second Reading for six months and that's not a place that a position should sit. Just because Bills on Second Reading tabled it that's not the place it should be. If this Board takes a vote and it moves it along then it should move along whether it's funded or unfunded...that's a decision for either the Mayor and that department head to make. Thank you.

Alderman Lopez stated I think that the Alderman is correct in what he is saying but in the organizational meeting it was felt and this is probably one of the cases instead of rushing up the hill so to speak that there are people for, people against and finding out all of the information. I think that the Highway Department Director at another given time could give justification for it. I think in this particular case yes it has been six months but it was four months in Bills on Second Reading when a new Chairman took over and it was asked to be tabled it and we tabled it and we tabled it. The Chairman...he can speak for himself...in reference to the compliance officer to bring it out to the full Board to see exactly what we want to do is move forward because of the situation we have but I'll let him speak to that. The issue is the procedure did work...had we went the route of just approving positions and taking it to Human Resources and sending it out here without going to Bills on Second Reading we might be enacting a lot of new positions without scrutiny and I think the scrutiny in this particular case was justified.

Alderman Roy stated part of what I'm having a problem with this evening is just timelines and statements that things sit. I'm going to come to a little bit of a defense of the current Chair of Bills on Second Reading...he left it there at the request of this Board or the prior administration...we got our report from the Highway Department saying that they wanted it, we came out of committee, it went to this Board, it went to Bills on Second Reading, it got reviewed, it came to the full Board over a matter of a four to six-month period and on October 4<sup>th</sup> we tabled it as a full Board pending funding and it was left as a tabled item in the closest point to this Board so that it could come back at any time that we are able to establish funding. Recently, the Highway Department came in and said they were unable to fund it with the salt budget and that pushed it past the April 1st deadline when they said they were

going to let us know and now we have to bring it to Finance if we want it funded. This has been accurately monitored, brought forward in the right process, reviewed by the correct committees and the Chairman of Bills on Second Reading left it there at this full Board's request. So, for Aldermen now to say that it hasn't been working in the right process...the process worked exactly the way it was supposed to. It got the review, it went to the right committees, it got reviewed again, it came to this full Board...we did not want to fund it as a full Board...last October we came up with a funding source...when that didn't happen it now goes to Finance and it's now in front of this full Board at this time.

Mayor Guinta asked how do you remember all that?

Alderman Roy stated I can give you the dates of all those meetings.

Mayor Guinta stated I don't think the issue was with Alderman Duval I think the issue is with Rule 16.

Alderman Gatsas stated, Alderman, you're absolutely right. It has nothing to do with this particular position, it has to do with the process and obviously looking at somebody that when it was voted by this Board in October wasn't on the Board yet, wasn't here...it's about the process, your Honor. I brought this up at the organizational meeting with a Rule change to take care of this but whether it's this position or any other position it shouldn't be sitting there and I'm not saying it was done intentionally, I'm not saying it was done without funding, I'm not saying any of that...there's no reason for this position to have ever gone to Bills on Second Reading. There's no reason for it to go there when the full Board votes on it, it's wrong.

Mayor Guinta stated it appears to me that maybe a rule change vote would be in order at some point, not necessarily this evening but maybe that should be something that we review. If the Clerk could let me know if we have a motion on the floor.

Mayor Guinta called for a vote on the motion to accept the report. There being none opposed, the motion carried.

**9. State Legislative update by Mayor Guinta.**

Mayor Guinta stated the only item I have is that I just wanted to make note that the Senate Public and Municipal Affairs Committee last week voted to recommend passage of both HB 1305 which is the business licensing bill and HB 1436 the biennial budgeting bill and both are scheduled to be voted on by the full Senate when they are in session, I believe later this week.

Alderman O'Neil asked is the business-licensing bill a house bill or senate bill?

Mayor Guinta replied a house bill.

Alderman O'Neil stated so they both have to come over to the Senate.

Alderman Gatsas stated they were voting on them, I believe Wednesday or Thursday.

Alderman O'Neil stated the House will be voting on them.

Alderman Gatsas stated we will the Senate.

Alderman O'Neil stated oh the Senate has them now.

Alderman Gatsas stated yes.

- 10.** Communication from Virginia Lamberton, Human Resources Director, informing the Board of a shortfall in the Unemployment Compensation line item for FY06 and requesting that \$28,000 be held in contingency for such purpose.

Mayor Guinta stated I believe we have an amendment bringing the total request to \$40,000. I just got this handed to me so let me...“the request was due to the fact that only \$20,000 has been budgeted for Unemployment Compensation bills rather than the usual \$40,000...I am requesting that a total of \$40,000 be placed in Contingency to ensure that we meet our responsibilities for Unemployment Compensation. I am attaching a history of our monthly statements for your information.”

Alderman Lopez moved to amend the original request from \$28,000 to a total of \$40,000 be held in Contingency for the purpose intended. Alderman Smith duly seconded the motion. There being none opposed, the motion carried.

Alderman Gatsas asked Ginny what is our unemployment rate?

Ms. Virginia Lamberton, Human Resources Director, asked in the State of New Hampshire?

Alderman Gatsas replied yes.

Ms. Lamberton replied I don't know.

Alderman Gatsas asked Kevin, Randy do you know?

Mr. Randy Sherman, Deputy Finance Officer, replied we don't pay an unemployment rate. We pay based on actuals so when someone files an unemployment claim they determine what the benefit is and we get billed.

Alderman Gatsas stated so it's a direct pay.

Mr. Sherman replied correct.

Alderman Gatsas stated I guess my question is in the economic times that we're in with the unemployment rate so low why do we have people that aren't working is my question.

Ms. Lamberton stated I can give you some ideas if you'd like.

Alderman Gatsas stated sure. I'd like some specific reasons.

Ms. Lamberton stated I apologize. I thought you wanted to know what the unemployment rate was not what we paid. What happens is, as you probably know, the year for unemployment is from May 1st to April 30<sup>th</sup> and so now we're getting hit with some unemployment that goes back to 2004 and 2005 because we pay for that period of time. We've had employees who have actually left the City for failing probationary periods, even misconduct and who by the unemployment laws have gone and attained alternative employment and they have to work only five weeks to make the same amount of money they make here and then if they lose that job then we get hit for that money and for some reason we have a whole bunch of them that have had that happen.

Alderman Gatsas asked how many claims do we have roughly...do we have 50 people collecting, a 100?

Ms. Lamberton replied the latest bill was for 10 people.

Alderman Gatsas asked and the latest bill is for how many dollars?

Ms. Lamberton replied \$7,848.

Alderman Gatsas asked for what period of time?

Ms. Lamberton replied it varies. The furthest away was July 27, 2004 for a person that left the City for cause but then they must of worked someplace else but we were their primary employer during the period of time that Employment Security charges for the unemployment.

Alderman Gatsas asked do you go up to the Unemployment Office and fight these claims when it's for cause?



Ms. Lamberton replied yes if they're leaving the City. In other words, we get people who we have actually discharged for misconduct and we go to a hearing and they do not get unemployment, however, Unemployment tells them if they go to work for a certain period of time after that and they get a certain salary level or wage level then they are eligible for unemployment again or even unemployment from us.

Alderman Gatsas stated it's been a while since I've done this but I certainly believe what you're telling me but I don't believe that if they left us for cause that they're entitled to come back and collect again.

Ms. Lamberton stated later on...not immediately. But, it's our year.

Mayor Guinta stated I'm noticing that there are employees from Enterprise funds, is there a chargeback there?

Ms. Lamberton replied yes we've been doing chargebacks.

Mayor Guinta stated so if the additional request for the deficit comes from Enterprise why would we need to come back?

Ms. Lamberton replied it's not enough.

Mayor Guinta stated you said that this month it was \$7,848 which seems to be the amount.

Ms. Lamberton interjected no, no that's the total bill. The chargebacks were \$1,188.

Mayor Guinta stated it's not a full chargeback.

Ms. Lamberton replied no it's not all their former employees. We can only charge them for people that worked for them before they left the City.

Mayor Guinta stated at least four employees...the schedule that you've given...there's four for Water...\$2,500, \$2,300, \$1,900 and almost \$1,200 for the reimbursement amount.

Ms. Lamberton stated that's the amount of unemployment that was charged to the City for former employees of either the Water Department or the Airport.

Mayor Guinta stated and a hundred percent of that is then charged back to the Enterprise.

Ms. Lamberton replied for just that amount yes. So, whatever Employment Security paid for those particular employees yes but the other employees are all coming from General Fund departments.

Mayor Guinta stated they're not all included on here.

Ms. Lamberton stated they're summarized there...that's not the number of people, that's the amount of money that we're charging back to Water or to the Airport.

Alderman Gatsas asked what is your high and low weekly claim that's in that \$7,800 number?

Ms. Lamberton replied we actually had somebody as \$5.00.

Mayor Guinta stated there's someone here for \$10.00.

Ms. Lamberton stated we have other people that are getting the maximum, so it varies dependent upon their earnings...what were their earnings...Employment Security has a whole table that tells you how much they're going to get on unemployment based on their salary. It's just a bad year, we've not had a year like this in four or five years.

Mayor Guinta stated we would need a motion to approve the request as amended to \$40,000.

Alderman DeVries moved to approve the request as amended to \$40,000. Alderman Osborne duly seconded the motion.

Alderman Gatsas stated if I look at this, Ginny, the amount paid for '05 because this is taking me right back to the budget and we're on actual dollars is that in the budget somewhere or is it in your budget?

Ms. Lamberton replied we have Non-Departmental accounts and unemployment is in our budget for the whole City, is that the question?

Alderman Gatsas replied yes. What is the total amount you have budgeted for?

Ms. Lamberton replied for this fiscal year we had \$20,000. For the four years before that we had \$40,000, however, we didn't spend the \$40,000 so I presume when the budgets were being done somebody took out \$20,000.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

- 11.** Communication from Police Chief Jaskolka requesting a six-week unpaid leave of absence for Lt. Steve Ranfos commencing June, 4, 2006 and ending July 15, 2006 in preparation of his taking the NH Bar Exam.

Alderman O'Neil moved to approve the request of Chief Jaskolka for a six-week unpaid leave of absence for Lt. Ranfos as submitted. Alderman Duval duly seconded the motion. There being none opposed, the motion carried.

- 12.** Communication from Gerard Fleury, Executive Director of the Contributory Retirement System, requesting written clarification from the City as to its intention with respect to payment of the overdue \$1.4 million receivable and the City's acceptance of the 12.04% contribution rate effective July 1, 2006.

Mayor Guinta stated this is an item that at the last Contributory Retirement Trustee meeting which was April 9<sup>th</sup>, 10<sup>th</sup>...somewhere around there...we had agreed that I would provide them a status or an update by May 8<sup>th</sup> for the next Trustee meeting on May 9<sup>th</sup>, so I assume this is more of an informational letter. I think either to table or receive and file would be in order.

Alderman Lopez moved that it be referred to the Committee on Finance. Alderman Thibault duly seconded the motion.

Alderman Gatsas asked why are we sending it there?

Alderman Lopez replied because it's a budgetary issue plus we haven't received the recommendation or the answer that's going to go forward to the Retirement unless Kevin knows something...Kevin's not here...I guess Randy is here...the point I want to make is that until the decision is made whether they're going to pay \$300,000 or whatever the case may be, whatever agreement they're going to come up that money is going to have to be placed in the 2007 budget. Do you think we're going to get an answer by the eighth, your Honor?

Mayor Guinta replied yes.

Alderman Lopez stated so the answer will be in Finance and we're not having a regular Board so we might as well refer it to Finance.

Alderman Gatsas stated we don't need to refer this I'm sure the Mayor is going to send us a letter telling us what happened at the meeting so why don't we just receive and file this?

Mayor Guinta stated it's up to the Board. I'll give you a copy of the letter whether it goes to Finance or not.

Alderman Lopez stated I would like to keep it on record and the right procedure would be to refer it to Finance.

Alderman Gatsas stated we couldn't get a Rule 16 changed but all of a sudden this is okay.

Alderman DeVries stated I guess I'm a little bit confused because my read of this letter was that you were going to be giving the Retirement System a response by May 8<sup>th</sup>, so I guess I'm a little curious if you would be sharing with this Board since May 8<sup>th</sup> is right around the corner how you expect that you would be responding to the letter. I guess I'm reading the last paragraph and that says that they are respectfully requesting a written response from us by May 8<sup>th</sup>.

Mayor Guinta stated which I am going to give them on May 8<sup>th</sup>.

Alderman DeVries stated I would respectfully ask can you share that with us tonight, how you think or do you not know yet.

Mayor Guinta replied I'm still in the process of clarifying it quite honestly. So my preference is to give it to the Board on May 8<sup>th</sup> to the Contributory Retirement System and to this Board on the same day.

Alderman DeVries stated I would have an additional question on that, if you would. Our City auditor has given you advice on this indicating that this is a liability that is required by the City.

Mayor Guinta stated that advice was given to the Board of Mayor and Aldermen back in 2004 and again in 2005 and it was brought to my attention as the Mayor after I presented my budget that the Contributory Retirement System accepted this as a receivable...again, we're going back-and-forth.

Alderman DeVries stated that is not where I was headed. I'm looking at the letter stating that on April 6, 2006 our Independent Auditor visited and has rendered an opinion that this is a receivable, a \$1.4 million receivable. So, I'm just wondering if maybe Finance can tell us, your Honor, maybe it's not fair to put you on the spot but maybe Finance would like to tell us rather than us just referring this to the Finance Committee. Is there any way that we are...based on all of these decisions...not going to have to make this a full receivable in this year.

Mayor Guinta asked are you talking about the last paragraph of Mr. Fleury's letter?

Alderman DeVries replied that's where we were before and now I am in the third paragraph down beginning with "the Retirement System office was visited by Kevin Buckley." That was the last action that we took as a Board was to refer our Independent Auditor to their office and then got back to us with a decision.

Mayor Guinta stated so you're asking for the Independent Auditor's...

Alderman DeVries asked would the Deputy Finance Officer like to get the Mayor off the hook.

Mayor Guinta stated I'm still not understanding what your question is.

Alderman DeVries stated I'm wondering how you're being advised so we have some anticipation of what to expect in Finance. Is this a receivable that has to be built into our budget in full this year.

Mayor Guinta stated I don't think that determination has been made yet.

Alderman DeVries stated it's six days away.

Mayor Guinta stated I'll give you the answer then.

Alderman DeVries stated from them demanding a response from the Board.

Mayor Guinta stated wait a minute...let's slow this down a little bit. I went to the Trustees meeting, we as Trustees agreed that I would provide a response to the Trustees on May 8<sup>th</sup> in anticipation of the May 9<sup>th</sup> Trustees meeting. We still have every intention of doing that. When that letter is completed I will share it with the Board of Mayor and Aldermen.

Alderman Gatsas moved to receive and file.

Deputy City Clerk Johnson stated there is a motion on the floor to send it to the Finance Committee.

Mayor Guinta called for a vote on the motion to refer to the Committee on Finance. The motion carried with Alderman Gatsas duly recorded in opposition.

**13. Resolution:**

“Authorizing the Finance Officer to effect a transfer of One Thousand Eight Hundred Dollars (\$1,800) from Contingency to Police – Special Projects.”

On motion of Alderman O'Neil, duly seconded by Alderman Pinard, it was voted that the Resolution be read by title only, and it was so done.

Alderman Thibault moved that the Resolution pass and be enrolled. Alderman DeVries, duly seconded the motion. There being none opposed, the motion carried.

#### **14. NEW BUSINESS**

Report of the Committee on Administration/Information Systems recommending that there be a reorganization of the Traffic Department and Parking Operations to become effective July 1, 2006 by creating a Division of Traffic and a Division of Parking with the following provisions:

- a) that Jim Hoben, Deputy Traffic Director, be grandfathered in at Grade 22 (upon his departure from city service the position would be re-evaluated);
- b) that Jim Hoben (grandfathered) be made Traffic Operations Manager at Grade 22;
- c) that Denise Boutilier become the administrator (Grade 16) in the Parking Enterprise Fund and review of this position shall be made by the Human Resources Director after 6-12 months to see if the position is properly classified with report to the full Board of Mayor and Aldermen at a later date;
- d) that two Parking Meter Technicians at Grade 12 be assigned to the Division of Parking;
- e) that a Parking Manager be hired under the Enterprise System at Grade 25;
- f) that the parking Enterprise Fund administrator (Denise Boutilier) and the two Parking Meter Technicians shall report to the Economic Development Director;
- g) that the Human Resources Director will work with the Economic Development Director and others if need be to assist in the development of a job classification for a Parking Manager at Grade 25 so it can be advertised as soon as possible; and
- h) the city move forward with an RFP for new display meters as soon as possible so as to aid all Board members in their deliberations and final decision.

The Committee also recommends that funding for Jim Hoben, as Traffic Operations Manager, be placed in the FY07 budget.

The Committee further recommends that the affiliation of the Parking Control Officers under the supervision of the Police Department remain as present with the understanding that funding is provided for under the Parking Enterprise Fund, allowing for further consideration by the Board at a later time following budget adoption.

The Committee recommends that the Board accept and approve the aforementioned recommendations and refer same to the Committee on Finance for FY07 budget actions as may be required, and to the Committee on Bills on Second Reading for Ordinance preparation and technical review as may be necessary with final adoption of related Ordinances anticipated to be accomplished by the full Board of Mayor and Aldermen prior to July 1, 2006.

Alderman Lopez moved to accept, receive and adopt the report of the Committee on Administration/Information Systems as presented. Alderman O'Neil duly seconded the motion. Mayor Guinta called for a vote on the motion. The motion carried with Aldermen Osborne and Smith duly recorded in opposition.

Mayor Guinta stated I want to make a couple of quick comments. This was a fairly significant vote by the Board and I don't want it to go unnoticed because for many years there's been questions about can we effectuate change properly in the City of Manchester and I think the answer to that question has always been no and I think we just indicated to the people of the City that by working cooperatively we can make changes. I certainly want to commend Alderman Lopez for the work that you did to put together a revised proposal

and I certainly commend Alderman O'Neil and the Committee to do the people's work and I'm very pleased with the overall compromise that we've made. I think that we're moving in the right direction relative to delivering services in the City of Manchester. Certainly, this is a step in the right direction toward the Parking Enterprise and ensuring that some of the concerns conveyed by members of this Board regarding services I think will be provided very effectively and efficiently by the Board. So, I certainly also want to make note that Mr. Hoben has been a gentleman and a professional during this process and we're certainly happy to see that the conclusion of this includes Mr. Hoben's position as we move forward.

Alderman Gatsas stated I was going to ask my colleagues that we suspend Rule 16 so that this doesn't have to go to Bills on Second Reading because again we're dealing with the same issue. If the full Board just voted for this proposal at some point here in Finance we need to have these people come in and talk to us about how we're going to build this Enterprise Fund and again as I said if Bills on Second Reading where the public comes in maybe the public as they did this evening on an issue that was before this Board comes in with great numbers and says that they're opposed to it we may have a second thought about changing. So, again with Rule 16 that we should suspend that rule and move this forward so it doesn't have to go to Bills on Second Reading.

Mayor Guinta stated there is a clarification...it is going to both Finance and B2R (Bills on Second Reading) for two different reasons. So, Finance will have an opportunity to address this issue.

Alderman O'Neil stated just a question for Alderman Gatsas. I don't disagree with some of the items in here but I don't think that everything in here cannot eventually end up at Bills on Second Reading. There needs to be a job classification created for the Parking Manager's position. Ms. Lamberton is a true professional but I don't think in the last hour or two she's created that, so there are some things that I don't disagree there are some things based on the vote that just happened we can implement immediately but I think some of it needs a little bit of work and I was trying to pick out which item could be acted on quickly and which items need a little bit of work, so I don't know if you have any suggestions on that.

Alderman Gatsas stated I don't disagree with you I'm just looking at...again, the same thing that we've talked about three times this evening that there should be something...changes in this rule because we listen to our department heads pretty well...Rule change 16 came from Ms. Lamberton who is head of Human Resources. She was the one that recommended that originally...am I correct, Ginny?

Ms. Lamberton replied yes.

Alderman Gatsas stated thank you. So she recommended that change in HR and fell on deaf ears and I recommend that maybe we bring it back again and maybe there's been some light

shed on it at least from this evening. So, I will ask the Clerk to prepare a rule change for the next Board meeting so that we can talk about it.

Mayor Guinta stated thank you and I think that makes sense for discussion at the next BM A meeting.

Alderman Gatsas stated can we have Jim Hoben and Denise come to Finance so we can go through some operational questions on revenues and everything else because we're going to have to adjust those at some point and I guess I will talk to the Clerk so we can get a time schedule...maybe Monday the eighth.

Mayor Guinta stated I think they'll be there. I'm going to be giving this communication to the department heads tomorrow regarding end of fiscal year spending and I will also reiterate that department heads are required to be at the BMA meetings...I see some but not all here. So, I will certainly reiterate that to department heads as well and I'm going to be asking department heads...a friendly reminder that we need to be making every effort in the final few months of FY06 to engage in only essential purchasing for the balance of the year. The fund balance is always critical...I want to be very mindful of how we spend money and I'm going to be looking at the accounts on a weekly basis now to make sure that every expenditure is essential and if it's not I will take further action but I think working collectively and in the last couple of months we can probably save a few more dollars in FY06 for this Board as a policy decision to determine what we can do with those dollars.

Alderman Roy stated I would like to ask the Clerk, I know there was conversation this evening regarding the Weston Fire Station during public hearing and the gentleman that made a proposal is still here. The Lands and Buildings Committee took an action which I don't believe can take effect and I'd just like the Clerk to clarify that for this Board and the public.

Deputy City Clerk Johnson stated I believe there was a request that went into the Committee on Lands and Buildings, it was requested to purchase the property known as the Weston Fire Station. The Board of Mayor and Aldermen had already taken an action, ordered the demolition of that property under emergency provisions and that order still stands and the Building Commissioner is still proceeding with the RFP's and going through that process. Because the Committee had the request it did take it up and rather than receive and file it it did ask for another report back from the departments again. We have contacted the departments and asked them to please have those reports available next week given the action of the Board so that we could go back to Lands and Buildings and just advise them of the Board's action and provide whatever reports the departments provide to the Committee out of respect to the Committee.



Alderman Roy stated so just as a clarification...the report's coming back tot he Committee on Lands and Buildings Committee, it will not be 60 days it will be as soon as possible.

Deputy City Clerk Johnson stated my understanding is that we will have a report available from those departments next week...we had spoken to them today and we will schedule a Lands and Buildings for next week so it won't be 60 days it will be seven days.

Alderman Roy stated okay that you for that clarification.

Alderman Long stated the Board's action with respect to the emergency demolition...that is still in effect is that what I heard?

Deputy City Clerk Johnson replied yes it is.

Alderman Lopez stated just to comment on that...when you say emergency to tear down the building...they're not going to tear down the building, it's just the RFP that went out...you're going to give them 60 days reprieve.

Deputy City Clerk Johnson interjected no. The Board's action that was taken...as it presently stands the Board has directed that that building be demolished as soon as possible. The Building Commissioner has been directed to do that by this Board...that has not been overturned nor has it been changed...that is why we went back to the departments and said Lands and Buildings had asked for a 60 day report however given the Board action by the time the report would come and if it was different or the Committee wanted to recommend something to the Board the building already would be down based on the Board's action...so it would be a moot at that point so we requested a report back immediately which they are doing and indicated to me they can report back within the week...the building will still be up next week unless there's something I don't know but in my discussion with the Building Commissioner was that the report is still going to the Committee next week and if there's something else different and the Committee wants to act differently that report we'll bring to the Board and poll the Board if necessary. But, the Board action remains...that is the action the Board has taken.

Mayor Guinta asked would there be a motion forthcoming to delay that action.

Alderman Lopez stated that's what I thought that we were delaying the action from the conversation and maybe Alderman Duval could explain because he's been more involved. But, I understood that there was a 60-day reprieve to the Planning Board and then for them to come back. Am I incorrect?

Alderman Thibault stated that's what we passed in Committee, however, I didn't realize what Carol is just saying now that the Board had taken action to demolish the building.

Mayor Guinta stated I think we need to take an action.

Alderman Smith asked Leon could you give us some light on this...what the status of the building and where you're going right now.

Mr. Leon LaFreniere, Building Commissioner, replied based on the directive received from the Board of Mayor and Aldermen I proceed to have an environmental assessment done on the property and have received a report from the consultant. The next step in the process is to develop a mediation plan for hazardous materials on the site primarily asbestos and as soon as I have that information together will attempt to proceed to get some prices under the emergency provisions of the procurement code and effect the demolition.

Alderman Roy asked could you clarify the timeframe of that.

Alderman Thibault asked why don't we make a decision to delay it by 60 days.

Mayor Guinta stated I'm waiting for a motion and if that motion is made I'll support it.

Alderman Thibault moved to delay the demolition by 60 days. Alderman DeVries duly seconded the motion.

Deputy City Clerk Johnson asked can the Clerk just clarify...is it a 60-day delay or is it a delay until such time as Lands and Buildings can review the report. I'm just not sure what they're looking for. They're ready to make a report next week, do you want to hold it up for 60 days or just until you get the report.

Alderman Thibault asked who is going to make a report?

Deputy City Clerk Johnson replied Planning, Building and Facilities are ready to report next week.

Alderman Thibault stated all right let's have a meeting.

Deputy City Clerk Johnson stated okay so it's not 60 days it's until you can get your reports, okay...that's what I wanted to clarify...are you going to hold it for 60 days if the reports are there that's the question.

Alderman DeVries stated I might remind the Committee the Historic Committee and the Preservation Association...Toni Pappas was here earlier...they are asking also for that 60 days so they can document that building, photograph it, preserve it for history...I don't think

this is all just about tearing it down and I would ask Alderman Thibault if you would leave your motion at 60 days, I would leave my motion to second that.

Alderman Thibault stated I'm asking for the 60 days.

Mayor Guinta reiterated the motion is for the 60 days.

Alderman Smith asked Leon what would be our liability if anything occurred within 60 days of now that we know the building is relatively unsafe, we know there's asbestos, I don't know if it's totally enclosed whether youngsters can get in and out...do we have any liability there in regards to this?

Mr. LaFreniere replied that would probably be a question best answered by the Risk Manager, however, I would assume that once you've identified a hazard it would be prudent to try to take steps to secure the hazard at the very least. The building is essentially secured, however, because of the deteriorated nature of some of the entrances it's not terribly difficult to gain access so it is a concern as it stands there today. I don't believe that there's an eminent danger of collapse or anything of that nature, however, the building does continue to deteriorate, the structural condition of the building is of question and believe that a responsible decision to move forward could come in a shorter term.

Alderman Lopez asked how much can you do by the order that we gave you before you actually execute tearing it down?

Mr. LaFreniere replied my understanding of the order in place is to cause me to be authorized and directed to effect demolition of the building in its entirety. I have moved forward and expended funds only thus far to identify the hazardous material, the next step would be to develop the remediation plan which also would bring a cost with it but I haven't yet expended costs beyond the identification of hazardous materials but I believe that the order was to complete the demolition.

Alderman Lopez stated I realize that but if we had...I'm trying to look at a timeframe here at the 60 days...if Planning and everybody else wants 60 days are you going to be able to accomplish that within 60 days or are you going to accomplish that in 30 days?

Mr. LaFreniere replied it would be difficult for me to give you a finite timeframe right now I could probably do that better in approximately a week's time, however, if I move with haste it could be less than 60 days.

Alderman Lopez stated if we vote tonight to delay it the 60 days the demolition you could still proceed and get things done.

Mr. LaFreniere stated I can certainly proceed to get a mediation plan in place and get prices for demolition during that timeframe.

Alderman Lopez stated but not execute it until we tell you.

Mr. LaFreniere stated I will execute that when this Board deems it appropriate.

Alderman Long stated I recall when the Board did decide the emergency demolition. My concerns are...this was in March...my concerns are on the uncovered asbestos that's around in there. Has anybody done an air sample to see if there's anything floating around there? That was one of my major concerns and then the fact that the kids that are playing in the area...we're not sure whether this building can come down...maybe it won't, maybe it will. To continue to put this off I think it's doing a disservice to the people that are in that area. It's an old building, I'm for keeping historic buildings but we have to look at...the liability of the City, I'm talking the safety of the people that are in the neighborhood.

Alderman Gatsas stated I guess I'm going to wait for the Alderman of the ward to weigh in because I think we normally at least most times have acquiesced to what the Alderman of a ward is wanting. So, I would hope that at this point we're not changing that.

Alderman Duval stated this issue, of course, is one that is bringing out some passion in people and I certainly respect Ward 4 residents namely Mr. Duffy who has come forward and made this proposal. I just want to clarify a couple of points. The Board did take emergency action, I think it was a responsible decision given the 21 years of neglect of that building and the state that it is currently in. Again, I remind people and I remind the public that a number of people have presented proposals throughout the years long before my coming around Ward 4. A number were made 10 and 15 years ago...some by some very prominent people and some by private concerns/individuals. And, my responsibility to Ward 4 is not to one individual it's to people who have put up with this condition for the 21 years and have seen proposal after proposal just languish and languish with no significant resources being applied to any one idea and it's unfortunate and the City was neglectful...there's no doubt about it and it is shameful and I think we should do whatever can to make sure it doesn't happen with other historic buildings. That being said there has been a delay as Alderman Long pointed out. An action was taken in March and as a courtesy to the Ward 4 Aldermen, me, the Building Commissioner delayed moving on the directive he was given by this Board, by unanimous vote in order that various concerns could be expressed to the appropriate committees and this full Board by people who may have had an interest in coming forth with a proposal. This recent action by the Lands and Buildings Committee which was unanimous indicated that the majority of the Board members have no interest in relinquishing ownership of the property and I think if you took that vote, that question before this full Body tonight it would likely be the majority of this Board would probably decide not to relinquish ownership. So, then you'd go back to well does the City

have resources available to properly and adequately fund renovations of that building which are estimated from what we hear around a million dollars plus and the answer is likely to be no. So, I'm caught in this quandary here as to which way to go on this but to be truthful about it the neglect has already taken place, I can't turn back the hands of time, each and everyone of us has expressed regret and I think it is unfortunate that the building is really in the state that it is but we have given time, I think we've given ample consideration, I wish that there was some other viable alternative. I've had long discussions with Mr. Duffy about this and I certainly respect his position and admiration for his passion on this issue of preserving historical structures. There are a number of others that deserve equal representation that I think are in a state of disrepair as well including the Ash Street School and the Weston Observatory and the Valley Street Cemetery which the Mayor has proposed to give funding for in his budget. That being said a further delay to accomplish to what end I just don't know because other groups have come forward and stated that they were going to go out and get private funding and it did not go anywhere. They reached a brick wall and then went away and it's likely for good reason that this wasn't an appetite to fund such a project. What Mr. Duffy is proposing stands in contrast to what they envision to begin with or what I envision. It's a novel idea but this Board, I don't think, unless I hear differently tonight or at some other point I don't think wants to relinquish ownership of that property and that was unanimous at the Lands and Buildings Committee meeting just yesterday. So, that's where I'm at.

Alderman O'Neil stated I don't want to repeat myself from last night but I grew up in that neighborhood, still live there today and as I said last night I skated in the area...the firefighters used to flood behind the fire station, go trick or treating there, my father was brought up about six houses away from there. It's unfortunate what's gone on but as Alderman Duval has said it is what it is. There's been a lack of responsibility by the City all these years...the roof is failing, the structure of the building is failing, and the foundation is failing. We have a report on record from a very respectable structural engineer that we've used for other projects in the City saying there are major issues there...and don't have it in front of me. We have some recent history, we just completed the renovation of a fire station...I don't believe it's quite as old as Weston Street's but Alderman Smith may be able to correct me but we have recent cost estimates to rehab an old fire station and I think Alderman Duval is right. It appears to be somewhere around \$200 a square foot...that brings it up to a million dollars. We are not going to, in this budget moving forward, fund a million dollars to rehab this fire station, fund \$500,000 to rehab this fire station so delaying it is just putting off the inevitable and I think Alderman Duval touched on a maybe even a bigger issue but it's an equal issue...there doesn't appear to be any interest by the elected officials in giving up ownership of that property. So, I don't know if putting this off and delaying it makes any sense. There are issues...that building could come down, somebody could get hurt in there...I went through with Alderman Duval...when did we go through it in February...it's pretty bad in there. It's sad what's gone on...they have wooden beams all over the place just trying to hold the first floor up. So, delaying this doesn't make any sense.

Alderman Gatsas stated my fear is just where Alderman O'Neil just was...I remember that on the front page of the *Union Leader* probably last week there were facades that fell down in Nashua luckily nobody was hurt. My greatest fear is that some kid gets in this building and we're reading about it on the front page of the paper.

Alderman Shea stated with all of the publicity there'll be a gang of kids up there tomorrow.

Alderman Lopez stated I just didn't want any false hope for people sitting here and thinking that in the next 60 days the building is going to be there...clarification has already been made so whatever you do your Honor.

Mayor Guinta stated there's a motion on the floor.

Deputy City Clerk Johnson replied to delay for 60 days.

Mayor Guinta stated motion made by Alderman Thibault, seconded by Alderman DeVries.

Alderman Duval stated, Alderman DeVries, in response to your comment about the Historical Society...we've already worked that out with them well over a month ago...they've already been given consent and we've already obligated ourselves for them to go in the do the historical review, that's already been worked out.

Alderman DeVries stated I guess my response was to the public comment and they seemed to have concern that that hadn't been worked out which is why the comments.

Alderman Duval stated I will talk to Commissioner Pappas today or in the morning just to remind her that it's already been worked out...the person that's offered to pay for the historical study.

Mayor Guinta called for a vote on the motion. The motion failed on voice vote.

On motion of Alderman Roy, duly seconded by Alderman Long, it was voted to recess the regular meeting to consult with legal counsel.

Mayor Guinta called the meeting back to order.

There being no further business to come before the Board, on motion of Alderman DeVries, duly seconded by Alderman Roy, it was vote voted to adjourn.

A True Record. Attest.

City Clerk